

REMARKS

Claims 1-6, 8, 9, 11, 12, and 14-19 are now pending in the application. Claims 1, 3-6, 9, 12, 16, 18, and 19 are currently amended. Claims 7, 10, and 13 are cancelled. No claims are newly added by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 6, 7, 9, 10, 12, 13, and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rosen, et al., "Multiprotocol Label Switching Architecture," Internet Engineering Task Force, July 2000 ("Rosen"). This rejection is respectfully traversed.

Applicant has amended these claims to clarify the protocols used, and thus distinguish Applicant's invention from Rosen.

Support for the amendment to the first half of claim 6 is found, for example, in lines 4-7 on page 25 and line 12 on page 23 of the English language specification. Support for the amendment to the latter half of claim 6 is found, for example, in lines 3 and 4 on page 35 and lines 15-19 on page 33 of the English language specification. Support for the amendment to the first half of claims 13 and 15 is found, for example, in lines 23-25 on page 40 of the English language specification. Support for the amendment to the latter half of claims 13 and 15 is found, for example, in lines 7-9 on page 41 of the English language specification.

Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3 and 16-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Xu, et al., "A BGP/GMPLS Solution for Inter-Domain Optical Networking," ETF Draft, June 2002 ("Xu") in view of Rajagopalan, et al., "IP over Optical Networks: A Framework – Second Draft Version," 6 June 2002, Internet Engineering Task Force, pp. 1-41 ("Rajagopalan").

Applicant has amended these claims to clarify the protocols used, and thus distinguish Applicant's invention from Xu and Rajagopalan. Reconsideration is respectfully requested.

Support for the amendment to claim 1 is found, for example, in lines 4-7 on page 25 of the English language specification. Support for the amendment to the first half of claim 16 is found, for example, in lines 23-25 on page 40 of the English language specification. Support for the amendment to the latter half of claim 16 is found, for example, in lines 7-9 on page 41 of the English language specification.

Claims 4-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Xu in view of Rajagopalan as applied to claim 1 and further in view of Jagannath (U.S. Pat. No. 6,483,833 B1; "Jagannath"). This rejection is respectfully traversed.

Support for the amendment to the first half of claims 4 and 5 is found, for example, in lines 13-16 on page 13 of the English language specification. Support for the amendment to the latter half of claims 4 and 5 is found, for example, in lines 16-19 on page 12 of the English language specification.

Claims 8, 11, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rosen as applied to claims 6 and 12 and further in view of Braun, et

al., "Management of quality of service enabled VPNs," Communications Magazine, IEEE, vol. 39, no. 5, pp. 90-98, May 2001 ("Braun"). This rejection is respectfully traversed.

Support for the amendment to the first half of claims 8 and 10 is found, for example, in lines 4-7 on page 25 and line 12 on page 23 of the English language specification. Support for the amendment to the latter half of claims 8 and 10 is found, for example, in lines 3 and 4 on page 35 and lines 15-19 on page 33 of the English language specification.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 14, 2009

By: /Gregory A. Stobbs/_____
Gregory A. Stobbs
Reg. No. 28,764

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

GAS/dec

15617245.1